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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/788,295

02/16/2001

Stephan W. Gehring

FANT-P019

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08/02/2004

Peter R. Martinez
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EXAMINER

SON, LINH L D

ART UNIT

PAPER NUMBER

2135

8

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,295

Applicant(s)

GEHRING, STEPHAN W.

Examiner

Linh Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed paper # 6 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The following references are not found: Other Documents number 63 and 66. Please resubmit to be consider.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-6, 8-9, 11-12, 14-16, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross, Jr. (US/5812671).

4. As per claim 5-6 and 8, Ross, Jr. discloses the "Cryptographic Communication System" invention, which includes a method for forwarding messages in a multi-node network comprising decrypting/encrypting using asymmetric algorithm (Col 1 lines 38),

by a forwarding node, each message received by said forwarding node prior to determining a destination for said received message (Col 3 lines 8-23).

5. As per claims 1-2, 4, 9, and 18, Ross, Jr. discloses the "Cryptographic Communication System" invention, which includes a method for encrypting and decrypting messages in a multi-node network, comprising: (a) encrypting a message by a source node and transmitting said encrypted message to a forwarding node; (b) receiving and unconditionally decrypting said encrypted message by said forwarding node; (c) unconditionally re-encrypting said decrypted message by said forwarding node and transmitting said re-encrypted message to a destination node; and (d) receiving and decrypting said re-encrypted message by said destination node.

6. As per claims 11 and 12, Ross, Jr. disclose the method of claim 10, wherein: (a) said encrypting said message by said source node is carried out using a first key (Col 2 lines 54-65); (b) said decrypting said re-encrypted message by said destination node is carried out using said first key (Col 3 lines 8-23); (c) said unconditional decrypting of said transmitted message by said forwarding node is carried out using a second key (Col 3 lines 8-23); and (d) said unconditional re-encrypting of said decrypted message by said forwarding node is carried out using said second key (Col 3 lines 8-23).

7. As per claims 14-16, Ross, Jr. discloses the method of claim 9, wherein said encrypting said message by said source node (Col 2 lines 54-65), said unconditional decrypting of said transmitted message by said forwarding node (Col 3 lines 3-23), said

unconditional re-encrypting of said decrypted message by said forwarding node, and said decrypting of said re-encrypted message by said destination node (Col 3 lines 3-23), are carried out using asymmetric encryption and decryption (Col 1 lines 38).

8. As per claims 19, Ross, Jr. discloses an encryption and decryption system for a multiple node network, comprising at least one forwarding node, said forwarding node including means for unconditionally decrypting all received messages, and means for unconditionally encrypting all transmitted messages (Col 2 line 33 to Col 3 line 44).

9. As per claims 20, Ross, Jr. discloses the encryption and decryption system of claim 19, further comprising at least one source node, said source node including means for encrypting messages and transmitting said encrypted messages to said forwarding node (Col 2 line 33 to Col 3 line 44).

10. As per claims 21, Ross, Jr. discloses the encryption and decryption system of claim 20, further comprising at least one destination node, said destination node including means for decrypting messages transmitted by said forwarding node (Col 2 line 33 to Col 3 line 44).

11. As per claims 22, Ross, Jr. discloses the encryption and decryption system of claim 21, wherein said means for encrypting messages by said source node, said means for decrypting messages in said destination node, said means for unconditionally

decrypting messages by said forwarding node, and said means for unconditionally encrypting messages by said forwarding node comprises symmetrical encryption and decryption (Col 2 line 33 to Col 3 line 44).

12. As per claims 23, Ross, Jr. discloses the encryption and decryption system of claim 21, wherein said means for encrypting messages by said source node, said means for decrypting messages in said destination node, said means for unconditionally decrypting messages by said forwarding node, and said means for unconditionally encrypting messages by said forwarding node comprises asymmetrical encryption and decryption (Col 2 line 33 to Col 3 line 44).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3, 7, 10, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross, Jr.

15. As per claims 3, 7, 10, 13, and 17, Ross, Jr. discloses the method of claims 2, 6, 9, 11, and 15, wherein said encrypting said message by said source node, said unconditional decrypting of said transmitted message by said forwarding node, said

unconditional re-encrypting of said decrypted message by said forwarding node, and said decrypting of said re-encrypted message by said destination node (Col 2 line 33 to Col 3 line 44), are carried out using asymmetrical encryption and decryption. However, Ross, Jr. does not specifically teach the use of symmetrical encryption/decryption algorithm. Nevertheless, Ross, Jr. does mention the implementation of the same encryption/decryption key for both parties in the invention to securely transmit messages in a communication network (Col 1 lines 20-35). Therefore, it is obvious at the time of the invention was made for one of ordinary skill in the art to implement the symmetrical algorithm to securely sending message in the communication network.

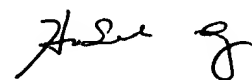
Conclusion

16. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (703)-305-4393. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.

Linh LD Son

Patent Examiner


AU 2135